

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN HENDRIX,
Plaintiff,

v.

F. FOULK, Warden, et al.,
Defendants.

No. 2:20-cv-1479 KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed a civil rights action pursuant to 42 U.S.C. § 1983. On July 29, 2020, plaintiff's complaint was dismissed with leave to amend. On September 3, 2020, plaintiff filed a request for extension of time to file an amended complaint, and also submitted an amended complaint (ECF No. 13).

Plaintiff's amended complaint was handed to prison staff for mailing on August 27, 2020.¹ Therefore, his amended complaint was timely filed, and no extension of time is necessary. Thus, plaintiff's motion is denied.

In his amended complaint, plaintiff alleges violations of his civil rights by defendants at North Kern State Prison. The alleged violations took place in Kern County, which is part of the

¹ "[T]he Houston mailbox rule applies to § 1983 complaints filed by pro se prisoners." Douglas v. Noelle, 567 F.3d 1103, 1109 (9th Cir. 2009), citing Houston v. Lack, 487 U.S. 266, 275-76 (1988).

1 Fresno Division of the United States District Court for the Eastern District of California. See
2 Local Rule 120(d).

3 Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper
4 division of a court may, on the court's own motion, be transferred to the proper division of the
5 court. Therefore, this action will be transferred to the Fresno Division of the court. In light of
6 1996 amendments to 28 U.S.C. § 1915, this court will not rule on plaintiff's request to proceed in
7 forma pauperis.


8 Good cause appearing, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's motion for extension of time (ECF No. 11) is denied;
10 2. This action is transferred to the United States District Court for the Eastern District of
11 California sitting in Fresno; and
12 3. All future filings shall reference the new Fresno case number assigned and shall be

13 filed at:

14 United States District Court
15 Eastern District of California
2500 Tulare Street
Fresno, CA 93721

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17 Dated: September 14, 2020

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19 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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